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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/027,926

12/22/2001

Ashok Kumar Singh

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11/16/2005

FOGG AND ASSOCIATES, LLC

P.O. BOX 581339

MINNEAPOLIS, MN 55458-1339

EXAMINER

CHUEN, MICHAEL P

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/027,926	<b>Applicant(s)</b> SINGH ET AL.	
	<b>Examiner</b> Michael Chuen	<b>Art Unit</b> 2661	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Roy.

Roy in US patent number 6,049,531 discloses a multimedia conferencing system architecture (FIGS. 1A and 1B) which generates ATM cells at ATM ADSL modem **103-1** (first card) and transmits the ATM cells over ATM backbone network **111-9** (bus) bypassing the IP stack; see Fig. 5. RAM buffers **213** (queue) at ATM ADSL modem **103-2** (second card) store the ATM cells which are transferred to functional entity **214**.

With respect to claim 4, a message is allocated via an ATM cell (memory) and placed in RAM buffer **213** for transmission.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roy v. Yokoyama et al.

Roy discloses the invention cited in the 102(b) rejection above. Roy fails to disclose a method for creating and registering a message queue. Yokoyama et al. teach in US patent number 6,307,857 an ATM controller comprising a reassembly management table **47** which acquires and registers the address of an idle receive buffer in the receive buffer pool **65** (col. 11, line 26). It would have been obvious to one skilled in the art at the time of the invention to include a method of registering buffers in order to have an indication of available buffers.

6. Claims 3, 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roy v. Kabie et al.

Roy discloses the invention cited in the 102(b) rejection above. Roy includes multimedia personal computers **101-1** and **101-2** equipped with multimedia conferencing application programs connected to ATM ADSL modems **103-1** and **103-2**

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but fails to teach applications on cards. Kabie et al. teach in US patent number 6,795,445 a hierarchical bandwidth management model comprising applications which can be assigned to application pools. The application pools are used for admission control between CPE nodes **24** or access nodes **23** (col. 4, lines 61-64). With respect to claim 3, the application pools allow communication between nodes.

Claim 6 is the same as dependent claim 2 with the limitation that applications in the cards are generating messages for transmission. See the above rejection of claim 2 in view of the teaching of Kabie et al.

Claim 7 is the same as independent claim 6 with the limitation that the method is for communication between cards in a digital subscriber line access multiplexer. Roy deals with ATM ADSL modems in an ATM network comprising a central ATM server **135** and ADSL modem server **130**. The ATM network server **135** sends registration, address and status information to the ADSL modem server **130** (col. 16, line 61).

With respect to claim 9, the module described has the functionality of the method described in claim 6.

With respect to claims 3,6,7 and 9, it would have been obvious to one skilled in the art at the time of the invention to include applications in ATM ADSL modems **103-1** and **103-2** (first and second card respectively) in order to eliminate the inefficiency of having an external application running said modems.

With respect to claim 8, Kabie et al. teach application level communication admission control (col. 9, lines 4-8, 33-40, Fig. 8B). It would have been obvious to one

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skilled in the art at the time of the invention to provide admission control applications in order to provide proper load distribution and quality of service.

***Allowable Subject Matter***

7. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

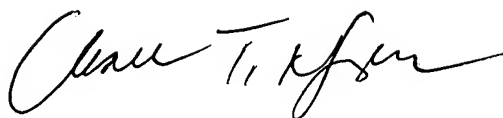
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Chuen whose telephone number is 571-272-5206. The examiner can normally be reached on Monday - Friday, 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MPC

A handwritten signature in black ink, appearing to read "Chau T. Nguyen". The signature is fluid and cursive, with the first name "Chau" being more prominent.

CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600